

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

HANLEY CHEW (CSBN 189985)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
Facsimile: (408) 535-5066
E-mail: hanley.chew@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR-04-20198-JF
Plaintiff,) STIPULATION AND [PROPOSED]
v.) ORDER CONTINUING DATE FOR
TRIEU LAM) STATUS CONFERENCE AND
Defendant.) EXCLUDING TIME FROM JANUARY 28,
) CALCULATIONS UNDER THE SPEEDY
) TRIAL ACT

Defendant Trieu Lam (“Lam” or “defendant”) and plaintiff United States of America, hereby stipulate as follows:

1. The above-captioned case is a trade secret case in which there are thousands of pages of discovery. There are outstanding discovery issues. Defendant Lam and the government have entered into a stipulated protective order to facilitate the discovery of confidential information. On November 1, 2006, defense counsel raised additional issues concerning this information. In February 2007, the government has sent defense counsel a response to these issues. On March 11, 2007, defense counsel requested clarification of the government's responses. On April 26, 2007, the government provided this clarification. The parties met on September 13, 2007, and began investigating the issues that arose from this meeting. The parties completed a substantial

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1 portion of their investigation and met in late January 2008 to discuss a potential disposition to
2 this matter. Due to conflicts in their schedules, the parties were unable to meet again until July
3 29, 2008. At that meeting, the parties discussed a potential disposition that would require
4 additional investigation. The parties need additional time to complete their investigations and
5 discussions to determine whether a disposition is possible. .

6 2. The defendant understands and agrees to the exclusion of time from calculations under
7 the Speedy Trial Act, 18 U.S.C. § 3161, for the period from January 28, 2009 through April 1,
8 2009, based upon the need for the defense counsel to analyze the confidential information and
9 investigate further the facts of the present case. Defense counsel needs additional time to
10 investigate the facts of this case and evaluate further possible defenses and motions available to
11 the defendant.

12 3. A status conference will not being meaningful until after defendant Lam has had an
13 opportunity to complete his investigation. The parties agree that the status conference currently
14 scheduled for January 28, 2009 and should be continued to April 1, 2009 at 9 a.m.

15 4. The attorney for defendant Lam joins in the request to exclude time under the Speedy
16 Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is
17 necessary for effective preparation of the defense; believes the exclusion is in the defendant's
18 best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C.
19 § 3161, should be for the period from January 28, 2009 through April 1, 2009.

20 Given these circumstances, the parties believe, and request that the Court find, that the
21 ends of justice are served by excluding the period from January 28, 2009 through April 1, 2009,
22 from calculations under the Speedy Trial Act and that the requested exclusion outweighs the best
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1 interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. §
2 3161(h)(8)(A) & (B)(iv).

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4 IT IS SO STIPULATED.

5 DATED: 1/16/09

JOSEPH P. RUSSONIELLO
United States Attorney

7 /s/ Hanley Chew _____
8 HANLEY CHEW
Assistant United States Attorney

9
10 DATED: 1/16/09

/s/ Steven R. Manchester
STEVEN R. MANCHESTER
Attorney for defendant Trieu Lam

11
12 [PROPOSED] ORDER

13 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
14 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
15 U.S.C. § 3161, for the period from January 28, 2009 through April 1, 2009, based upon the need
16 for the defense counsel to investigate further the facts of the present case, review the discovery
17 that the government has already provided and evaluate further possible defenses and motions
18 available to the defendant; (2) the exclusion of time is necessary for effective preparation of the
19 defense and is in the defendant's best interests; and (3) the ends of justice are served by
20 excluding from calculations under the Speedy Trial Act the period from January 28, 2009
21 through April 1, 2009.

22 Accordingly, the Court further orders that (1) the status conference set for January 28,
23 2009 is vacated and that the next appearance date before this Court is scheduled for April 1,
24 2009 at 9:00 a.m.; and (2) the period from January 28, 2009 through April 1, 2009 is excluded
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1 from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

2 IT IS SO ORDERED.

3 DATED: 1/27/09

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5 
THE HONORABLE JEREMY FOGEL
UNITED STATES MAGISTRATE JUDGE
DISTRICT

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